

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**ANGEL DAVID MORALES
VALLELLANES,
Plaintiff,**

v.

**JOHN POTTER, UNITED STATES
POSTMASTER GENERAL, ET ALS.,
Defendants.**

CIVIL NO. 97-2459 (GAG)(CVR)

**DAMAGES BASED ON
RETALIATION AND
DISCRIMINATION; PROHIBITED
PERSONNEL PRACTICES;
UNFAIR LABOR PRACTICES;
BREACH OF COLLECTIVE
BARGAINING AGREEMENT**

**MOTION TO SUPPLEMENT PLAINTIFF'S MOTION TO PARTIALLY SET ASIDE
OPINION AND ORDER (DOCKET 436)**

TO THE HONORABLE COURT:

COMES NOW, Plaintiff, Angel David Morales-Vallellanes, through the undersigned attorney, very respectfully submits its Supplement to Motion to partially set aside Opinion and Order D.E. 436 regarding this Honorable Court Opinion and Order (D.E. 430 and 431):

Plaintiff just want to add or supplement his Motion to Partially Set Aside Opinion and Order (D.E. 436) page 11, “**Allegations Regarding Postal Inspection Promotion**”. In addition to the vast testimonial evidence submitted at trial (see D.E. 436 p.11), due to an involuntary forgetfulness Plaintiff did not mention that he indeed submitted evidence during the trial of his application for Postal Inspection position. See Plaintiff trial exhibit 75, Letter from Postal Inspection Service acknowledging Plaintiff's successful achievement of Postal Inspection test and requesting Plaintiff full background investigation. It also included a great amount of Postal

Inspection Service forms to be filled out by Plaintiff, requesting information for Plaintiff's background check. Said exhibit was presented into evidence during the trial on December 12, 2007. After Plaintiff's successful background investigation, he was sent to the Head Quarters in Washington for an assessment as it was explained several times during the trial. This Honorable Court in its Opinion and Order (page 10 D.E. 430) held that *"We also note plaintiff's argument he was entitled to a promotion as a U.S. Postal Inspector is unfounded. No credible evidence was presented at the jury trial to show the qualifications standards set for such position; if plaintiff met these standards; whether a U.S. Postal Inspector position was opened and posted for filling; and whether plaintiff applied for and was qualified for the same."* Contrary to this Honorable Court assertion, Plaintiff reaffirms his argument on D.E. 436 p.11-12 that he presented evidence that the back pay and front pay should be considered as if Plaintiff were in a Postal Inspection position.

WHEREFORE, it is respectfully requested from this Honorable court to partially set aside Opinion and Order D.E. 430 and 431 and to award Plaintiff back pay and front pay according with Plaintiff expert economic report; \$834,462.00 plus interest for back pay and \$521,705.00 for front pay as alleged in Plaintiff uncontested motion D.E. 436 which was never replied by Defendant.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on July 22, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: **Fidel A. Sevillano-Del Río, Esq.**, Assistant U.S. Attorney, Federico Degetau Federal

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